

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

LORENZO WALKER,

Petitioner,

vs.

No. CIV 09-1051 JB/CG

ANTHONY ROMERO, Warden,  
and GARY K. KING,  
Attorney General for the  
State of New Mexico,

Respondents.


**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

**THIS MATTER** comes before the Court on the Magistrate Judge’s Proposed Findings and Recommended Disposition, filed March 1, 2011 (Doc. 20). No objections to the proposed findings and recommended disposition have been filed. The Court has made a de novo review of the Magistrate Judge’s proposed findings.

The Tenth Circuit held “that a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” United States v. One Parcel of Real Property, With Buildings, Appurtenances, Improvements, and Contents, Known as: 2121 East 30th Street, Tulsa, Oklahoma, 73 F.3d 1057, 1060 (10th Cir. 1996). Because neither party files objections, they have waived their right to review. While on a clean slate, the Court might be inclined to review the merits of the motion before closely before reopening the case, the Court cannot say that “the interests of justice so dictate.” One Parcel, 73 F.3d at 1060 (quoting Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)). The Petitioners Responded [sic] to Final Judgment, filed March 26, 2010 (Doc.

18) was timely filed under rule 59 of the Federal Rules of Civil Procedure. The Court, therefore, adopts the Magistrate Judge's Proposed Findings and Recommended Disposition.

**IT IS ORDERED** that (i) the Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 1, 2011 (Doc. 20), is adopted by the Court; (ii) the Petitioners Responed [sic] to Final Judgment, filed March 26, 2010 (Doc. 18), be granted; (iii) this Court's Order Adopting Magistrate Judge's Proposed Findings and Recommended Disposition, filed March 17, 2010 (Doc. 16), is withdrawn; (iv) this Court's order of Final Judgment, filed March 17, 2010 (Doc. 17) is withdrawn; (v) Petitioner Lorenzo Walker shall have fourteen (14) days from the entry of this order to file objections to the Magistrate Judge's Original Proposed Findings and Recommended Disposition, filed February 2, 2010 (Doc. 13); and (vi) another copy of the Magistrate Judge's original Proposed Findings and Recommended Disposition (Doc. 13), be mailed to Walker.

  
UNITED STATE DISTRICT JUDGE

*Parties and counsel:*

Lorenzo Walker  
Los Lunas, New Mexico

*Plaintiff pro se*

Gary King  
Attorney General for the State of New Mexico  
Margaret E. McLean  
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Santa Fe, New Mexico

*Attorneys for the Defendants*